SLATON WILL VISIT PENCIL FACTORY TO STUDY FRANK CASE

Governor Announces His In-

tension at Hearing of Clem-

ency Appeal and Invites

Counsel to Accompany Him

STATE EXECUTIVE ASKS

NUMBER OF QUESTIONS

Session Adjourns Until Monday

After Hearing W. M. Howard,

Herbert Clay, M. M. Sessions

And Ex-Governor Brown

Governor John M. Slaton will make a visit to the National Pencil Factory to thoroughly acquaint himself with the physical features of the building in which Mary Phagan met her death on April 26, 1913. He announced this at the Hearing before him on the Petition of Leo M. Frank for Commutation of Sentence from Death to life imprisonment. The Governor then invited Counsel for both sides to accompany him on this visit. By a question, the Executive asked Solicitor Hugh M. Dorsey, it was brought out that the Jury which convicted Frank never visited the Factory.

After three and one-half hours of Argument by Representatives of both sides, Governor Slaton adjourned the Hearing until 9 o'Clock Monday morning when Solicitor Dorsey will make his Argument against granting the Petition.

During today's Hearing, which commenced at 9 o'Clock, and ended at 12:30 o'Clock, Attorney W. H. Howard outlined the Case of the Defense and offered the mass of Petitions and evidence which the Prison Commission had before it during its consideration of the Case.

Herbert Clay, Solicitor of the Blue Ridge Circuit, followed Mr. Howard and he was followed by M. M. Sessions, who was elected Chairman of the Marietta mass meeting called to protest Clemency for Frank. Ex-Governor Joseph M. Brown's Argument brought Saturday's Hearing to a close.

FRANK'S COUNSEL.

Frank was represented by Attorney William M. Howard, of Augusta, who conducted his Hearing before the Prison Commission, and by Attorney Harry A. Alexander and Leonard Haas, of Atlanta, and Attorney M. J. Yeomans, of Dawson, Ga.

The State was represented by Solicitor Hugh Dorsey, of Fulton Superior Court, Assistant Solicitor E. A. Stephens, and several of the Attaches of the Solicitor's Office.

The Governor held the Hearing in his Private Office and let in as many Spectators as the Room would comfortably hold.

Solicitor Dorsey, before the Hearing began, said he would tell the Governor if he wanted to question Jim Conley, he (Dorsey) would produce him.

The Governor explained that it has always been his Custom to hold Hearings of this kind in his Private Office and that he was

not going to vary his Custom by moving into a larger room simply to provide entertainment for curiosity seekers. Such a thing, he declared, would lower the dignity of his Office as well as the dignity of the Procedure.

Then, turning to the lawyers, Governor Slaton began the Hearing.

“How will you Gentlemen arrange your speeches?” he asked.

Solicitor Dorsey said he was not sure whether he would make a speech, as this would depend on what the lawyers for Frank had to say in their Arguments, but he would like for ex-Governor Brown to be heard at noon or earlier and would like for Major C. E. McGregor, of Warrenton, to be heard Monday at noon, both in opposition to Frank’s Petition.

Attorney Howard said he would outline his Case, for the benefit of the Solicitor, and then make his Argument in one speech after the State’s Case was presented.

SPARRING FOR POINTS.

There was a good deal of sparring for points between the Solicitor and Attorney Howard, and while this was in progress, it was announced that ex-Governor Brown and a delegation of Marietta Citizens were waiting in the ante-Room.

They were immediately escorted into the private Office, ex-Governor Brown heading the Procession and followed by Herbert Clay, Solicitor of the Blue Ridge Circuit, and Representatives-Elect John Dorsey and Fred Morris, of Cobb County. These three were the Speakers for the Marietta delegates which appeared before the Prison Commission in opposition to Frank’s Petition.

Solicitor Dorsey and ex-Governor Brown held a brief Consultation aside and the Solicitor announced that after Mr.

Howard had outlined his Case, he (the Solicitor) would speak, and ex-Governor Brown would then speak.

Solicitor Dorsey asked Governor Slaton if he would have an opportunity to reply if Mr. Howard should introduce matter in his Closing Speech which he had not outlined in his Opening Speech. The Governor said he wanted all the light possible on the Case, would not confine the Hearing to technical rules, and would, therefore, let Mr. Dorsey reply if new matters were introduced.

HOWARD OUTLINES CASE.

At 9:45 o'Clock Mr. Howard began his outline of his Case. He said:

"We will introduce to your Excellency the following Documentary evidence:"

"The Brief of evidence at the trial, the motion for a new trial, the Bill of Exceptions to the Over-Ruling of this motion, the dissenting Opinion of the two able Justices of the State Supreme Court, the Affidavit of Judge Roan as to his Statement from the Bench that he was not satisfied of Frank's guilt, the Affidavit of Mrs. Frank to the Prison Commission, the Affidavit of the doctors who examined Frank, the notes written in Jail by Jim Conley to Annie Maude Carter, the Opinion of Albert S. Osborn, Handwriting Expert, the Petitions to the Pardon Board from people in Georgia, and other States asking for a Commutation of Justice Holmes and Hughes, of the United States Supreme Court."

"All of this has been turned over to your Excellency by the Prison Commis-

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SLATON WILL VISIT PENCIL FACTORY TO STUDY FRANK CASE

(Continued From Page 1.)

sion and in addition thereto, I now tender Judge Roan's letter in the original."

"I take it that the Solicitor is familiar with all these documents. They are the only documents we expect to deal with."

Here Mr. Howard read the Affidavit of the doctors who examined Frank, in which they declare his physical Examination disclosed a normal, healthy man, and his mental Examination disclosed a normal, healthy man, and his mental Examination disclosed a clean, well balanced mind.

Resuming Mr. Howard said:

“The Petitioners assert the absolute innocence of Leo M. Frank but we only ask a Commutation of his Sentence. We assert and will contend that is proved by this Record that he did not commit the Crime. The relief prayed for does not ask a change of the Jury’s verdict but simply a change of the penalty. While this is the prayer of the Petition, we recognize the Constitutional Right and Duty of your Excellency, if firmly convinced of the Petitioner’s innocence, to grant him a full Pardon. However, the Petition does not impugn the Jury’s verdict but simply asks a change of Punishment from Blood Death to life imprisonment.”

“Whatever has been said as to our seeking to impugn the verdict or criticize the judgments in this Case is gratuitous and should not be considered. Those who protest that your Excellency has no right to commute this Sentence are aside from the fact that the Constitution of the State clothes you with the right.”

SLATON ASKS QUESTIONS.

Here the Governor asked.

“Do you contend that Judge Roan could have fixed this sentence at life imprisonment?”

Mr. Howard: “Yes, with Propriety. My position, your Excellency, taken on the Record, is that the evidence established beyond a reasonable doubt the guilt of James Conley. This evidence construed, and interpreted by the law, does not and cannot connect Frank with the murder. Conley, starting with the Corpus Delicti and pursuing the Case to the end, is proven guilty by the Record.

“Conley and Frank contrasted by their conduct confirm the contention as a matter of law that Conley must be guilty and that Frank cannot be guilty.”

“I will argue that Conley first robbed, then violated, then murdered Mary Phagan. I will argue that his evidence, taken out of the Record by the Rules of Law, leaves not a single scintilla of evidence to show that guilt of Frank. I will show that even the Argument conceived in the zealous mind of the Solicitor does not connect Frank with the Crime. I will show that Conley was the Author of the murder notes and that logically and evidently, he was the Author of the murder. I think I can make plain, how Conley reached his conclusion to accuse Frank.”

ANOTHER QUESTION.

Here the Governor asked: “I have already read 221 pages of the Record. When you speak of Conley having assaulted the girl, how do you reconcile the testimony of Dr. Harris, that he found no such evidence?”

Mr. Howard: “We are going to rely on Dr. Harris’ own testimony. In the Course of his testimony, he admitted that the absence of the particular evidence he sought, at the late day he performed the Autopsy, did not conclusively show there had been no Criminal Assault.”

Mr. Howard, continuing, said:

“If your Excellency, will examine Mr. Dorsey’s speech to the Jury, you will find that he repeatedly used the expression, ‘that the little girl had been ravished.’ Now if the Jury were impressed by these Expressions and by the Arguments in connection with them, as made by the Solicitor, we may adopt his own premise for our Argument. We could talk here half a day about the difference existing in the testimony of the Doctors. I desire, however, to shun that, not because it is unfair to me or my Case, but because it serves to clear up no particular fact. I am perfectly willing to rest this question on Dr. Harris’ testimony. There was a great

controversy between the Doctors. My experience has taught me wherever possible to try a Case without Doctors and Diagrams. If I can plant this Case on one Doctor and that Doctor the State's own witness, I am more than satisfied."

"I accept Dr. Harris' testimony, both as to the condition of the body, the State of digestion of the cabbage which the little girl had eaten, and as to other points. The net result of his testimony on the state of digestion was to show that the girl met death one half or three quarters of an hour after the undigested meal."

"I stand in and by this Case on Dr. Harris. There is evidence here—evidence of great importance—as to the Independent Physical Facts. Evidence which is Independent of Conley's evidence."

NOT MARY'S HAIR.

"There was the hair found on the lathe, which Dr. Harris said was not the hair of Mary Phagan. I will stand on Dr. Harris' testimony on this point."

"There was the evidence about the alleged blood found on the second floor in the Metal Room. I will take the test made by the State's own witness about this blood, and I will convince any free and open mind that it was not blood, much less the blood of Mary Phagan, and if not her blood, then she was not murdered on that floor."

"That is the Character of the Case I propose to make, and that is the range and bound within which I propose to discuss it."

"The murder notes form a topic in themselves. There is no dispute as to their Physical Authorship. The only dispute is concerning their Mental Authorship. I will undertake to show that both Authorships were Conley's."

“If you take the time Mary Phagan entered the Factory and the time Conley says she was killed, you will find Conley’s testimony absolutely different from the other evidence on the Subject.”

Governor Slaton here inquired where Mr. Howard contended the girlw as killed. Mr. Howard said his Opinion from close study of the Record that the blow over the eye was the first violence received by the girl, and that she received it as she came down the stairs from the second floor. Further, that this blow stunned her and that while in a stunned condition Conley contrived to take her to the Basement, whether through the trap door or the open elevator shaft was not shown by the Record outside of Conley’s testimony. He said it was quite evident that she got into the Basement without her consent and through some form of violence.

TO VISIT FACTORY.

Governor Slaton here announced his purpose to make a personal visit to the Pencil Factory and inspect the scene of the Crime. He inquired of Mr. Howard if there was any way, after the blow, for the girl to be taken to the Basement. Mr. Howard said only by the elevator or bodily down the ladder through the trap door.

Said Mr. Howard: “There is evidence, however, in the Record to the effect that there was not Room for the body to be taken through the trap door and down the ladder. I shall not dispute that, but if it were left to me, I would say that witness didn’t know what he was talking about.”

Here the Governor remarked: “There was some suggestion about the body being thrown down the elevator shaft, but I

understand Dr. Hurt testified that he found no bruises on the body."

Mr. Howard replied: "With the exception of Conley's testimony the Record is blank as to how she got to the basement. There is no Room for doubt, your Excellency, there is no Room for Argument. If Conley's Statement is true, then Frank is guilty."

Then Governor Slaton asked some questions about the Metal Room, and while Mr. Howard was replying to these questions Solicitor Dorsey said he would like to know if the Metal Room is now in the same condition that it was at the time of the murder. Governor Slaton answered by saying he also desired information on this point and he would like for Counsel on both sides to go through the Factory with him. The Governor then inquired of Mr. Dorsey whether the Jury went through the Factory, to which the Solicitor replied that they did not.

Mr. Howard resumed: "'The Records show that Mary Phagan had been laid off several days before the murder; that she earned, that week, only $1.20; that she went to the Factory on Saturday morning to get this money; that after Frank paid her, she inquired if the metal had come; that Frank replied that he did not know, or that it had not come there being some dispute as to his answer.'"

TRAP DOOR TO BASEMENT.

Mr. Howard then reverted to the trap door and the ladder. He said the ladder was steep but could have been used by such a man as Conley, a young a strong Negro; that Conley easily could have gone down the ladder and drawn to him a semi-conscious body; and that he could have protected it from the shock of a fall. He said this was frequently done by firemen in rescuing people from burning buildings, both people alive and people dead or

unconscious. He said the trap door was two feet wide and two feet, three inches long; that while Conley and the unconscious body could not both go through at the same time, it would have been easy matter for Conley to go down first, reach back and pull the body after him.

The Governor here commented on Conley's Statement as to how the body was taken to the basement, stating that it was his understanding that Conley's testimony did not include anything about the dragging of the body, but that he testified he and Frank wrapped the body in a cloth and carried it to the resting place, where, it was taken out of the cloth. The Governor further said it was his understanding that Dr. Hurt testified that the face was scratched and begrimed, indicating that the body was dragged. He requested the Solicitor to illuminate these points when he made his Argument.

Resuming, Mr. Howard said a Policeman testified that there was a trail in the basement which looked like a body had been dragged, and that there was other evidence indicating that the body was dragged face downward, because there were ashes and cinders in the mouth and nostrils.

CONFLICTING EVIDENCE.

The Governor again referred to Conley's testimony, where Conley spoke of rolling the body out of the cloth. He called attention to the testimony of Dr. Hurt (page 47 of the Brief of evidence) where Dr. Hurt said the body looked like it was dragged face downward.

"I am seeking," the Governor said, "to ascertain how Conley's Statement harmonizes with the evidence given by other witnesses for the State and the Defense."

Mr. Howard remarked: “The evidence you refer to presents perhaps the only point tending to throw light on that phase of the Case.”

Governor Slaton inquired just what importance should be attached to the evidence relating to the fact that the Clark Woodenware Company was occupying a part of the first floor of the Pencil Factory at the time of the murder. He said there had been some testimony as to a door having previously existed, leading into the Clark Woodenware’s space, and he inquired what importance this question should be given in the Case.

Solicitor Dorsey replied by saying: “It only goes to show, your Excellency, the weakness of the straws at which the Defense has grasped. They made a number of insinuations as to how the Crime might have been committed. This is only one of them.”

Mr. Howard, continuing his Argument, declared if the girl had been killed on the second floor none of the begrimed condition would have been acquired by the body, such as shown by the testimony of those who found the body. He emphasized his point about the condition of the body, saying that when people from the Country came to town behind a gray horse they have gray hairs on their clothes if the horse is shedding, whereas if they drive a bay horse they have hair of this color, and that the color of these hairs is almost indisputable evidence as to the color of horse the person was driving.

GIRL ALIVE IN BASEMENT?

“In this Case,” said Mr. Howard, “we have nothing except Conley’s evidence tending to show that the body did not have life in it when it went into the basement. The fine particles of pencil shavings and the dust found in the girl’s nose show to my mind that she must have had a spark of life in her when she was

carried into the basement, because these things would not have been in her nose unless she was breathing after she got there."

Governor Slaton at this point asked this question: "Could the elevator have been operated without the knowledge of Frank?"

Mr. Howard: "Denham testified that he could have heard the elevator easier than Frank, and that he did not. Denham was on the fourth floor where the elevator machinery is located."

Solicitor Dorsey said: "I hate to interrupt so frequently, but I don't think the evidence shows that."

Mr. Howard: "Don't mind interrupting, Mr. Dorsey. I can only travel on the truth."

Dr. Dorsey: "Another point, then. I don't think anybody testified that the elevator sometimes sounded like a June bug (Mr. Howard having previously referred to testimony to this effect)."

Mr. Howard: "I am certain that expression is in the Record."

Somebody here explained this was a part of Conley's testimony. At this point, Governor Slaton read from the Record a part of Denham's testimony in which he stated that he could have heard the elevator more easily than Frank and that he did not hear it.

Mr. Howard: "Our position is that the elevator never went down. If Conley had operated it, Frank would have known no more about it than Denham."

Governor Slaton: "Is there any evidence to show how long she could have remained alive after the cord was placed around her neck?"

Mr. Howard: "That is indefinite, but the general impression was that she might have remained alive about fifteen minutes.

Also, we have evidence of Dobbs that rigor mortis had not set in. If the injuries which she received had been inflicted before the cord was placed around her neck, much of her life must have been spent. Nothing indicates with clearness what the duration of time was, after the cord was placed. Death in this case progressed by stages. One act of violence followed another. Death resulted not from one sudden act."

SLATON ASKS EXPLANATION.

Governor Slaton: "What do you say as to the sufficiency of the evidence if the testimony of Conley is excluded?"

Mr. Howard: "It is inadequate to amount even to a suspicion. Every act of Frank's is consistent with innocence, provided the proper Explanation is made, which can be done."

Governor Slaton: "The testimony of Newt Lee that Frank told him to go out and enjoy himself and that Frank called up that night from the house occur to me as points to be explained. Also, the elevator incident, if the physical situation was such that Frank would have heard it."

Mr. Howard: "I have made out a list of the points which were used against Frank, aside from the Conley testimony."

Mr. Howard then read nineteen items from a typewritten list, as follows:

1. Frank was the last person to see Mary Phagan alive.
2. Frank excused Newt Lee from 4 to 6 o'Clock in the afternoon.
3. His reluctance to receive Gantt at the Factory.
4. He telephoned Newt Lee at 7:30 o'Clock p.m.
5. The testimony of Albert McKnight.
6. Frank's nervousness on the morning the body was found.

7. Frank’s disinclination to look at the body at the Undertaker’s.
8. The change in the time slips.
9. His early Employment of Counsel.
10. His wife’s alleged failure to visit him.
11. His failure to inform the Detectives that the noises were in the Handwriting of Conley.
12. His failure to confront Conley in the presence of Detectives.
13. The testimony as to his alleged immoral conduct.
14. Failure of Attorneys for the Defense to Cross Examine Character Witnesses.
15. Frank’s failure to stand Cross Examination on the Witness Stand.
16. The alleged blood spots on the second floor.
17. Alleged hair on turning lathe, second floor.
18. Alleged efforts to approach Phagan.
19. Alleged looking into Dressing Rooms of women Employees.

Resuming, Mr. Howard said: “These are the sole connecting links, and they show only an opportunity. I have presented your Excellency with the substance, if not all, the Arguments in our Case.

Mr. Howard sat down and Governor Slaton stated that he would hear from ex-Governor Brown. The latter stated that he would rather the Governor would first hear the other gentlemen in the Marietta delegation.

HERBERT CLAY SPEAKS.

Herbert Clay then read to the Governor a Resolution adopted by a mass meeting of Citizens at Marietta, calling on him “in the interest of the Administration of Law and in the interest of fairness not to interfere with the verdict of the Jury.” The Resolutions also urged the Governor to publish a Resume of the Case to refute the slanders hurled against the State of Georgia by Newspapers and individuals in other sections of the Country. After reading the Resolution, Mr. Clay said:

“We people of Cobb County, a part of Georgia, feel that we have the right to ask your Excellency not to commute this Sentence. Judge Patterson (of the Prison Commission), in his dissenting opinion refers to Case in our Circuit, that of John Wright, where your Excellency commuted a Sentence. That Case is totally different from this one. In that Case, certain Facts came out after the trial and members of the Grand Jury and of the Petit Jury swore before your Honor that this evidence might have changed their verdict. There has been nothing of such a character in this Case and it is too much to ask your Excellency to set aside the Judgment of the Courts.”

SESSIONS SPEAKS.

The next Speaker for the Marietta delegation was Moultrie M. Sessions. He began by reading from a Clipping which he said was from an Eastern Paper, the name of which he did not give. In the Clipping was purported to be a report of the Marietta mass meeting, at which he was elected Chairman of the delegation to protest against Commutation. The Report had much to say about “hooting and jeering in the Audience,” and of shouts of “lynch him!”

Mr. Sessions said: “With things like that being published, I don’t blame these people from coming here from other States to ask for a Commutation of Sentence. As a matter of Fact, the only

thing in this Report that is correct is the Statement that I was elected Chairman of the delegation to appear in opposition to the Petition. I believe this is the momentous question your Excellency has had before you since you became Governor. Law and Order are on trial today. We simply ask that this Case be tried and treated like all others. Just like some native born Georgian was the Defendant. This Defendant should take his medicine just like I would have to take it if I were in his place. If it had been me, then I believe Sessions' neck would have been broken by this time. This Report is a Sample of how this Case has been tried in the Newspapers and of how the State has been misrepresented and maligned.

"I think the most bloodthirsty thing said at the Mass Meeting was a Statement by myself that if this Case is to be tried in the Newspapers and the State maligned in this way, then I think it is high time Georgia should be divided up and absorbed by the other States."

Ex-Governor Brown followed Mr. Sessions. He held in his hand numerous notes on the Case.

BROWN'S REMARKS.

"I was surprised," said he, "at Mr. Howard's Statement that he is going to try this Case before you on the Record passed upon by the Courts. In doing such a thing, he is asking the Executive Branch to assume the position of a Court of Correction. When a few years ago, I sat in the Chair your Excellency now occupies, an Attorney came to me and asked me to change a Sentence or the Court. 'What have you?' I asked him. He answered, 'the Record of the trial, the Judge's opinion denying a new trial, and the opinion of the Court of Appeals upholding the Lower Court.' 'Have you nothing else?' I asked. He answered, 'the Record of the trial, the Judge's opinion denying a new trial, and the opinion of the Court

of Appeals upholding the lower Court of Appeals upholding the lower Court.' 'Have you nothing else?' I asked. 'No,' he answered. "Then,' said I, 'surely you do not mean to bring nothing here but the Court Record and to ask me to take this Office out of the Executive Branch and put it into the Judicial Branch?' 'But the Jury was wrong,' the Attorney replied, 'the Judge was wrong, the Court of Appeals was wrong.' I answered, 'you will never get me by the action you request, to say these things.'"

"This Case is an Extraordinary Case. You have admitted it to trial, practically on the evidence of the original trial. I am going to touch on the right of an Executive to re-try a Case. Now Judge Roan's letter has been put into the Case. Judge Roan came to me several times to confer about Clemency in different Cases while I was Governor. Once he talked most interestingly of the Magna Carta."

Here the ex-Governor spoke of the Fact, as remarked on by Judge Roan in the conversation referred to, that some of the men who signed the Magna Cart could not even write their names, and had to sign the great Document by making their marks.

Continuing, Ex-Governor Brown read from notes, digressing occasionally to amplify his Manuscript. The text contained frequent quotations from the Bible, from the Constitution of Georgia, and from the Laws of the State. It was impossible to get his Argument verbatim, but the following contains the substance of it.

JUDGE ROAN'S LETTER.

"I do not find," he said, "anywhere in the Copy of the printed Record where Judge Roan said he believed the Jury made a mistake. That letter of this was written with the Shadows of Death gathering fast about him, and at such a time the strongest men

pass into a melting mood, when the Heart gains mastery over the Brain. But when he denied the motion for a new trial, he was not contemplating Death. He had a closer discernment of how far the Jury could go. He stayed within his limits and let the Jury stay within theirs."

Here Ex-Governor Brown defined the meaning of the word "justice" and "mercy," and quoted the late Justice Warner as having on one occasion declared that the word mercy appeared nowhere in the Constitution. He quoted numerous Biblical passages as to the relation between Justice and Mercy. He declared the Law says that "in all Criminal Cases, the Jury shall be the Judge of the Law and the Facts," and that a verdict rendered by a Jury must stand unless there be a necessity to change it. He said Judge Roan did not have to say what the verdict should have been, that he was forbidden by the Law from saying such a thing. He said the foundation of the Constitution is Justice, and that the Constitution forbids any, one Department, of the Government from interfering with or defeating the work of another. He said the State of Georgia never intended that its Constitution be interpreted so as to defeat itself.

Referring to the numerous Petitions filed with the Prison Commission in Frank's behalf, ex-Governor Brown said:

"I take it that these Petitions will have no weight with your Excellency. I take it that you will be governed by the Law and the Facts in this Case."

"Impartial Justice are the keywords of Civilization. Impartial, Justice, are the keywords on which this Universe is founded. A State which has not an orderly Process of Law, founded upon a keystone of impartial Justice, cannot be recognized as a worthy Government."

JUDGE’S SENTENCE.

Continuing, ex-Governor Brown said Judge Roan knew that in a Case of circumstantial evidence, it was within his discretion to pass a sentence of life imprisonment.

“At the time Judge Roan passed on the motion for a new trial,” he said, “he was in the Prime of his intellect and under the obligation of his Oath. His action at that time cannot be broken down or set aside by his letter, written when he was at the point of death.”

“The Courts had by far a better opportunity to judge the evidence than we have. I cannot see why this Case should have a different Process from any other murder Case.”

At this point, ex-Governor Brown vigorously scored what he termed “the sentimentalists” and “outside influences.” He referred to an Atlanta Minister who preached a Sermon on behalf of a Commutation for Frank and then quoted the Commandment. “Thou shalt not kill,” after which he read various passages from the Old Testament dealing with the prescribed Punishment for murder. Following up one of these passages, which was in effect that the blood of the murdered polluted the soil of Israel when the murder went unavenged, Mr. Brown said.

“Mary Phagan’s blood pollutes and defiles the soil of Georgia today because the State has not obeyed the Lord God Almighty’s Laws.”

Mr. Brown then read further passages from the Scripture, pausing to remark:

“I am not here to make a theological Argument. I am simply saying that if you take the old Mosaic Law, which is brought over into the New Testament and made the Law of Christianity, you

cannot allow a murder to go unavenged. Men, whether they be Hebrews or Christians, must obey the Law."

"I wish to call your Excellency's attention to the Fact that not one of the Grand Jurors who drew the Bill of indictment against Frank, not one of the twelve Jurors who returned the verdict against him, nor the Solicitor who prosecuted him have requested you to change their findings or undo their work."

He said it has been charged in the Press of other States that the trial was conducted under mob influences, that a howling mob surged around the Court.

This he answered by reading from the Decision of the United States Supreme Court denying Frank's Appeal, stressing the portion which stated that the allegations of mob influence and hostile sentiment had been rejected because they had been found to be untrue in point of Fact. He also stressed the portion of the Decision holding that Frank was not deprived of any of his Constitutional Rights.

SLATON ASKS FOR OPINION.

Governor Slaton at his point requested Solicitor Dorsey to furnish him a Copy of the United States Supreme Court decision, which the Solicitor said he would do.

Resuming, ex-Governor Brown said while Frank was in Jail and just previous to his trial he was in the Governor's Chair and that it was reported to him one day that there was a possibility of a mob storming the Jail and lynching Frank.

He said he sent for Adjutant General Nash and told him to see the Sheriff, the Chief of Police and the Chief of the Fire Department, to warn them all to be on Guard, and to have every water hose ready for use; that he had ordered a number of

Officers and men to sleep at the Armory and that the addresses of the other men be kept, so as to summon them on a moment's notice. He said he requested the Chief of Police to Scout the City in an automobile, and if he observed any indication of a mob forming to break up the crowd. He said he directed General Nash to defend the Jail at all hazards, and that he had declared Frank should not be done to death, because his Case was a matter for the Courts and not for the mob.

CITY WAS QUIET.

Continuing, Ex-Governor Brown, said the Police Chief scouted over the City and made an Affidavit that he had not found more than three people in any one crowd discussing the Frank Case.

"That proves," said he, "that the people of this City and State were willing to rely upon trial by Jury and were not intent on raising a rebellion against the Law. And yet, the Executive Officer of this State is asked to take the testimony on which the Courts handled this Case and undo their work."

"In all frankness, if your Excellency wishes to invoke lynch Law in Georgia and destroy trial by Jury, the way to do it is by retrying this Case and reversing all the Courts. I have heard from people in all parts of this State who say that if the Governor interferes in this Case, they see no further necessity for trial by Jury."

"This Case, by the manner in which it has been handled in the Newspapers, has placed trial by Jury on trial. I say to you, one law for all or no Law at all. Now, which shall we have?"

"There are approximately 1,000,000 people in Georgia who are old enough to understand what constitutes murder. How many of these have petitioned you to interfere?"

“In communities where there are no Banks from which Funds can be withdrawn and no Newspapers to be influenced, not 3 percent of the people have petitioned you.”

“They have been able to subside Newspapers, to employ a Corps of the brainiest Lawyers, to carry this Case from one Forum to another, to prolong it for more than two years. Is the guilty man now to escape Punishment at your hands?”

“With a full understanding and clear view of the conditions in this Case, what do we see? A State muzzled. They have muzzled the Press, coerced Bankers and Lawyers into silence, and can it not be said they have coerced the Executive?”

Concluding, Ex-Governor Brown said: “I leave it to your Excellency, with full confidence and knowledge that you are a Georgian, that you love Georgia, and that as the Chief Executive of this State, you will see that its Laws are enforced according to their intent without fear or favor.”

Here Solicitor Dorsey said he had not concluded a Brief which he was preparing and that it would take him about three hours more. After some Consultation, the Governor adjourned the Hearing until 9 o’Clock Monday morning. The Solicitor will present his Brief, and his Argument at that hour. The Governor remarked that he would spend Sunday studying the Record.”